

REMARKS

Claims 1-22 remain pending in the application. Claims 21 and 22 have been newly added for consideration.

Reconsideration of the rejections and allowance of the pending application in view of the foregoing amendments and following remarks are respectfully requested.

In the Office Action of June 15, 2001, claim 18 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Jung, U.S. Patent 6,808,458, and claims 1-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jung in view of Friedson, U.S. Patent No. 6,332,307. Regarding claim 20 which is indicated as rejected in the Office Action Summary, however, Applicants note that the Examiner has not included claim 20 in any statement of rejection or provided any detailed reason for the rejection. These rejections are respectfully traversed.

Initially, Applicants note that that the Jung reference is not a proper reference to be applied for the rejection under 35 U.S.C. § 102(e). In this regard, Applicants note that the present application claims priority, under 35 U.S.C. § 119, of Japanese Application No. 2003-010291, filed on January 17, 2003, and a certified copy thereof was filed in the U. S. Patent and Trademark Office on April 30, 2004. In contrast, Jung is entitled to an effective filing date (i.e., 102(e) date) of October 7, 2003. Accordingly, because of Applicants' earlier effective filing date, it is respectfully submitted that Jung does not provide an appropriate basis for the rejections under 35 U.S.C. § 102(e). For this reason alone, it is respectfully submitted that the Examiner's rejections under 35

P24550.A02

U.S.C. 102(e) is improper. Applicants note that a verified English translation of the priority document will be provided once it is available and once it has been required by the examiner.

In view of the above-noted inapplicability of the cited reference based on its date, Jung also is improper prior art upon which a rejection under 35 U.S.C. § 103(a) may be predicated. Thus, it is also respectfully submitted that the Examiner's rejection under 35 U.S.C. 103(a) is improper.

It is respectfully requested, therefore, that the rejections under 35 U.S.C. 102(e) and 35 U.S.C. 103(a) be withdrawn and that an early indication of the allowance thereof be given.

Claims 21 and 22 have been added for consideration to further define the swing motion. No new matter is believed to be introduced by the present claim addition. In this regard, the Examiner's attention is directed to paragraph [0020] of pages 6-7.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

P24550.A02

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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